

APPEAL NO. 041411
FILED JULY 27, 2004

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was held on May 25, 2004. The hearing officer resolved the disputed issues by deciding that the compensable injury of _____, includes the traumatic ganglion cyst of the left wrist, carpal tunnel syndrome (CTS) secondary to ganglion cyst, and left axonal brachial plexopathy; that the compensable injury of _____, does not include a fibro-cartilage ligament injury of the left wrist; and that the appellant/cross-respondent (claimant) had disability beginning on July 19 and continuing through September 11, 2003, and at no other times. The claimant appealed, disputing the determination that disability ended on September 11, 2003, and disputing the determination that the compensable injury did not extend to include a fibro-cartilage ligament injury to the left wrist. The appeal file did not contain a response from the respondent/cross-appellant (carrier). The carrier appealed, disputing the extent-of-injury determination favorable to the claimant as well as the determination of disability. The claimant responded, urging affirmance of the determinations challenged by the carrier.

DECISION

Affirmed.

The parties stipulated that the claimant sustained a compensable injury on _____. Whether the compensable injury included traumatic ganglion cyst of the left wrist, fibro-cartilage ligament injury to the left wrist, CTS secondary to ganglion cyst, and left axonal brachial plexopathy, and whether the claimant had disability as defined by Section 401.011(16) as a result of his compensable injury presented fact questions for the hearing officer to resolve from the conflicting evidence presented at the CCH. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the finder of fact, the hearing officer resolves the conflicts in the evidence and determines what facts have been established. The hearing officer resolved the conflicting evidence by determining that the compensable injury includes the traumatic ganglion cyst, of the left wrist, CTS secondary to ganglion cyst, and left axonal brachial plexopathy, but does not include a fibro-cartilage ligament injury of the left wrist, and she resolved the conflicting evidence on the disability issue by determining that the claimant had disability beginning July 19 and continuing through September 11, 2003. Although there is conflicting evidence in this case, we conclude that the hearing officer's determinations on the disputed issues are supported by sufficient evidence and are not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

We affirm the decision and order of the hearing officer.

The true corporate name of the insurance carrier is **AMERICAN ZURICH INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**LEE F. MALO
12222 MERIT DRIVE, SUITE 700
DALLAS, TEXAS 75251.**

Margaret L. Turner
Appeals Judge

CONCUR:

Gary L. Kilgore
Appeals Judge

Edward Vilano
Appeals Judge